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Attorneys for PLAINTIFF WORLD HEALTH  
AND EDUCATION FOUNDATION

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WORLD HEALTH AND EDUCATION  
FOUNDATION,

Plaintiff,

v.

CAROLINA CASUALTY INSURANCE  
COMPANY,

Defendant.

Case No.: 3:08-cv-05495 SI

Assigned for All Purposes to the Hon. Susan  
Illston

**STIPULATION OF THE PARTIES AND  
[PROPOSED] ORDER REGARDING  
VARIOUS SCHEDULING MATTERS**

1 WHEREAS Plaintiff WORLD HEALTH AND EDUCATION FOUNDATION (hereafter  
2 “Plaintiff”) filed a First Amended Complaint against CAROLINA CASUALTY INSURANCE  
3 COMPANY (hereafter “Defendant”) on December 12, 2008;

4 WHEREAS Defendant filed a Motion to Dismiss for Failure to State a Claim under Fed. Rule of  
5 Civ. Proc. 12(b)(6) (Docket No. 8) which was scheduled for hearing on February 6, 2009;

6 WHEREAS by order of February 11, 2009 (Docket No. 14) this Court granted Defendant’s  
7 Motion to Dismiss with leave to amend by February 23, 2009;

8 WHEREAS Plaintiff’s counsel requires additional time to draft and file an amended complaint,  
9 which requires further communications with the Client. The Client is currently preoccupied with trial in  
10 the underlying action entitled *Joe Martin Events v. World Health and Education Foundation, et al.*,  
11 Alameda County Superior Court, Case No. RG07323334, coverage for which action is the subject  
12 matter of this lawsuit. The trial started on February 17, 2009 and is expected to continue until February  
13 26, 2009. Therefore, Plaintiff’s counsel seeks a fifteen (15) day extension of time to file an amended  
14 complaint;  
15

16 WHEREAS Defendant has no objection to this extension being granted;

17 WHEREAS the case is not at issue at this time because the pleadings are not yet final;

18 WHEREAS the parties believe it is in the interest of both parties that the date for filing the Rule  
19 26(f) Report and Case Management Statement be continued until after the pleadings are settled;  
20

21 WHEREAS the parties believe it is in the best interest that the Case Management Conference  
22 scheduled for March 13, 2009 be continued until after the pleadings are final.  
23

24 Therefore, it is hereby stipulated by and between the parties through their respective counsel  
25 that:  
26

27 1. Plaintiff may have up to and until March 9, 2009 to file a Second Amended Complaint;  
28

2. The currently scheduled deadline of March 6, 2009 for the parties to complete initial disclosures, file their Rule 26(f) Report and Case Management Statement be vacated, and the new deadline for filing of the Rule 26(f) Report and Case Management Statement be scheduled on a date seven (7) days prior to the new Case Management Conference date;
3. The Case Management Conference scheduled for March 13, 2009 be vacated and continued by 60-90 days.

DATED: February 20, 2009

GUY KORNBLUM & ASSOCIATES

By /s/ Maria T. Manning  
MARIA T. MANNING  
Attorneys for Plaintiff WHEF

DATED: February 20, 2009

CHARLSTON, REVICH & WOLLITZ LLP

By \_\_\_\_\_  
ROBERT D. HOFFMAN  
Attorneys for Defendant Carolina Casualty  
Insurance Company

**ORDER**

GOOD CAUSE APPEARING, the Court approves the foregoing stipulation of the parties.

IT IS HEREBY ORDERED:

1. Plaintiff may have up to and until March 9, 2009 to file a Second Amended Complaint;
2. Last day to file Rule 26(f) Report, complete initial disclosures or state objections in Rule 26(f) Report and file Case Management Statement shall be May 8, 2009;
- and
3. The Initial Case Management Conference is scheduled for May 15, 2009 at 2:30 p.m.

DATED: \_\_\_\_\_



Hon. Susan Illston  
United States District Judge

2. The currently scheduled deadline of March 6, 2009 for the parties to complete initial disclosures, file their Rule 26(f) Report and Case Management Statement be vacated, and the new deadline for filing of the Rule 26(f) Report and Case Management Statement be scheduled on a date seven (7) days prior to the new Case Management Conference date;
3. The Case Management Conference scheduled for March 13, 2009 be vacated and continued by 60-90 days.


DATED: February 20, 2009

GUY KORNBLUM & ASSOCIATES

By /s/ Maria T. Manning  
MARIA T. MANNING  
Attorneys for Plaintiff WHEF

DATED: February 20, 2009

CHARLSTON, REVICH & WOLLITZ LLP

By   
ROBERT D. HOFFMAN  
Attorneys for Defendant Carolina Casualty  
Insurance Company